

Hon. Charles A. Legge (Ret.)
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Special Master

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Case No. 07-5944 SC
MDL No. 1917
JAMS Ref. No. 1100054618

This Document Relates to: the Indirect
Purchaser Class Action Case

**ORDER REGARDING DEPOSITION
OF PLAINTIFFS' EXPERT WITNESS**

Defendants have moved to take the deposition of the indirect purchaser plaintiffs' expert witness, Dr. Janet S. Netz, for up to a total of fourteen hours over two consecutive days. Dr. Netz's declaration has been filed by plaintiffs in support of their motion for class certification. A motion to take extra time for a deposition, beyond the usual one day of seven hours, is authorized by Federal Rule of Civil Procedure 30(d)(1).

Plaintiffs oppose the motion on two grounds. The first argument is that the motion is premature because defendants have not yet exhausted a first day of seven hours. However, if there is an anticipated need for extra time, it appears more efficient and less expensive to bring that need to the court's attention ahead of time, rather than to take one day of deposition which turns out to be insufficient, and then to go through procedures that could require the reconvening of the witness and the attorneys. The volume of Dr. Netz's opinion would indicate that the deposition could be foreseen to require extra time.

1 Plaintiffs' second argument is that defendants have not shown sufficient facts to show
2 good cause for the additional time. More precisely, Rule 30(b)(1) frames the issue as whether
3 the additional time would be "needed to fairly examine the deponent." The special master is of
4 the opinion that that need is apparent from the volume of Dr. Netz's report: the opinion is 117
5 pages, attaching 45 exhibits, and relying on over 32,000 documents from various defendants.
6 Since the information came from several defendants, each may have a need to question the
7 witness about its own data and information. Dr. Netz's opinion is also based in part on economic
8 and mathematical analysis, which will have to be examined during the deposition. And Dr.
9 Netz's opinion is significant, since the motion for class certification relies upon it.

10 It is therefore ordered that defendants may take the deposition of Dr. Netz for not
11 exceeding a total of 14 hours over two consecutive days.

12
13 IT IS SO ORDERED.

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15 Dated: October 24, 2012



Hon. Charles A. Legge (Ret.),
Special Master